IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 390 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAVINDRA @ BHOLU,S/O.LAXMAN- BHAI CHAMANLAL KODEKAR(CHHARA)
Versus
STATE OF GUJARAT

Appearance:
1. Criminal Revision Application No. 390 of 2003
MR YOGESH S LAKHANI for Petitioner No. 1-3
MS NANDINI JOSHI, APP, for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 07/04/2004

ORAL JUDGEMENT

Heard the learned counsel for the petitioners, Mr Y.S.Lakhani, and learned APP, Ms Nandini Joshi, for the respondent-State. By this revision application under

Section 397 read with Section 401 of the Criminal Procedure Code the petitioners have challenged the order passed by the learned Additional Sessions Judge, Ahmedabad, while dealing with Revision Application No.141 of 2003 dated 5th August, 2003. It is contended by the petitioners that the order granting of remand, passed by the learned Additional Sessions Judge is erroneous and the order granting police remand is bad because the same is against the accepted principle of law on the point of remand. There was no need for custodial interrogation in the light of the facts and circumstances of the case. The learned counsel has taken me through the contentions raised in paragraph no.5 of the memo of revision application.

2 During the course of arguments and in response to the query raised by the Court, the learned APP Ms Joshi has submitted that now the police has completed the investigation and the present petitioners have been charge-sheeted by the investigating agency for the offence punishable under Section 397 read with Section 114 of the IPC. She has also placed on record a copy of the charge sheet being Charge Sheet No.I 168 of 2003 dated 14.09.2003 and the same is ordered to be taken on record. When the investigating agency itself has treated that the investigation is completed and final report under Section 173(2) of the Cr.P.C. has been submitted, the present revision application can be disposed of having become infructuous and the order passed by the learned Sessions Judge under challenge can be treated as ineffective.

3 Without entering into the merits of the validity of the order passed by the learned Additional Sessions Judge, in the light of the filing of the charge sheet against the present petitioners, the order under challenge is ordered to be quashed and set aside. The revision application, therefore, is disposed of accordingly.

(C.K. Buch, J.)
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